



STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
LIQUOR CONTROL COMMISSION

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In the matter of the request of	)	
<b>JOSEPH LEIJA</b>	)	
33949 Cheryl	)	Request ID No. 630563
Clinton Township, MI 48035	)	
_____	)	

At the February 16, 2012 hearing of the Michigan Liquor Control Commission  
(Commission) in Southfield, Michigan.

PRESENT: Andrew J. Deloney, Chairman  
Donald B. Weatherspoon, Commissioner

**LICENSING APPEAL ORDER**

On December 14, 2011, Joseph Leija (applicant) filed a request for a new Salesperson license to be utilized through employment at Powers Distributing Company, Inc., a licensed wholesaler, located at the above-noted location.

At a meeting held on December 21, 2011, the Commission denied this request under administrative rule R 436.1105 (2)(g) after considering the prior misdemeanor record of the applicant involving three (3) citations for a person under 21 years of age in possession of alcoholic liquor.

The applicant submitted a timely request for an appeal in this matter, and appeared at the February 16, 2012 hearing, at the Commission's Southfield office. After hearing arguments, reviewing the MLCC file, and discussion of the issue on the record, the Commission finds that the applicant sufficiently demonstrated mitigating circumstances relative to his past misdemeanor record. The Commission finds significant the letter of dated January 24, 2012 submitted by Karen Leppek, H.R. Generalist on behalf of Powers

Distributing Company, Inc., in support of the applicant's request in this matter.

The Commission finds sufficient reasons to reverse its denial issued in this matter and to approve the applicant's request for the reasons stated on the record.

THEREFORE, IT IS ORDERED that:

A. The denial order of December 21, 2011 issued in this matter is reversed and the applicant's request is APPROVED, subject to the following:

1. The licensee has the affirmative obligation to notify the Michigan Liquor Control Commission of any arrest or conviction involving the excessive use of alcoholic liquor and/or if the applicant engages in the excessive use of alcoholic liquor.
2. Failure to comply with all requirements of licensure in the State of Michigan will result in the licensee being charged with a violation of the Michigan Liquor Control Code, MLCC Administrative Rules, and Commission order, which may result in fines, suspension, and/or revocation of the license.

MICHIGAN LIQUOR CONTROL COMMISSION

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Andrew J. Deloney, Chairman

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Donald B. Weatherspoon, Commissioner

By its action of February 16, 2012.

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Prepared by:  
Terri Chase, Commission Aide



STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
LIQUOR CONTROL COMMISSION

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In the matter of the request of )  
**THE MUDJAW BOWMEN** )  
**(AN OHIO NON-PROFIT CORPORATION)** )  
6240 Benore )  
Erie, Erie Township )  
Monroe County )  
\_\_\_\_\_ )

Request ID No. 532791

At the February 16, 2012 hearing of the Michigan Liquor Control Commission  
(Commission) in Southfield, Michigan.

PRESENT: Andrew J. Deloney, Chairman  
Donald B. Weatherspoon, Commissioner

**LICENSING APPEAL ORDER**

On November 25, 2009, The Mudjaw Bowmen (An Ohio non-profit corporation) (applicant) filed a request for a new Club license to be located at the above-noted location. The request was amended on December 28, 2010 to include a request for a new SDM license, Sunday Sales Permit (P.M.), Entertainment Permit, Specific Purpose Permit for the premises to be occupied between 6:00 A.M. and 7:00 A.M. on weekdays and 6:00 A.M. until 12:00 Noon on Sundays for the Service of Food, Shooting Events and Recreational Activities; and authorization for the outdoor sale, service and consumption of alcoholic liquor in an area measuring up to 32' x 32' pavilion, located 12' from the licensed premises and which will be well-defined and clearly marked, to be held in conjunction with the proposed new Club license at the above-noted location.

At a meeting held on September 28, 2011, the Commission denied this request

under MCL 436.1532(4) as the determination could not be made if the applicant qualifies for licensure based upon their non-voting membership, as MCL 436.1532(4) requires that the Board of Directors, Executive Committee, or similar body must be chosen by the members. The request was also denied under administrative rule R 436.1105(2)(j) after considering the effects that issuance of a license would have on the health, welfare, and safety of the general public when determining whether an applicant should be issued a license or permit.

Audrey Berning-Matell, President of the applicant club, submitted a timely request for an appeal in this matter, and club member, Robert Hall appeared at the January 19, 2012 hearing at the Commission's Southfield office. The Commission adjourned the hearing and tabled the matter to a future meeting agenda to allow the applicant to appear with proper representation. The Commission placed this matter on its February 16, 2012 meeting agenda at the Commission's Southfield office. Representing the applicant at the re-scheduled hearing was Club President, Audrey Berning-Matell.

After hearing arguments, reviewing the MLCC file and exhibits presented, and discussion of the issue on the record, the Commission finds that the applicant submitted sufficient, amendatory language to the Club By-Laws. The Commission further finds that as a condition of licensure and to protect the health, welfare, and safety of club members and patrons, the applicant agreed to an operating plan of prohibiting the sale, service, possession and consumption of alcoholic liquor during all times firearms are being discharged.

The Commission finds sufficient reasons to reverse its denial issued in this matter and to approve the applicant's request for the reasons stated on the record.

THEREFORE, IT IS ORDERED that:

A. The denial order of September 28, 2011 issued in this matter is reversed and the applicant's request is APPROVED, subject to the following:

1. A final inspection is to be conducted by the Commission's Enforcement Division to determine that adequate signage is conspicuously posted inside the premises indicating that the sale, service, possession and consumption of alcohol is prohibited; and to verify that the barrier for the outdoor service area is well-defined and clearly marked.
2. The licensee is prohibited from allowing the sale, service, possession and consumption of alcoholic liquor at all times when the discharge of weapons such as bows, crossbows and firearms on the licensed premises is occurring; and during any part of any event, including a break period or intermission, where the discharge of weapons such as bows, crossbows and firearms on the licensed premises is occurring. If the discharge of weapons such as bows, crossbows and firearms on the licensed premises has concluded, or an event where the discharge of weapons such as bows, crossbows and firearms on the licensed premises has concluded, and all weapons such as bows, crossbows and firearms are stored and secured, the licensee is authorized to allow the sale, service and consumption of alcoholic liquor on the licensed premises.
3. The licensee is authorized to sell beer, wine, or both, for consumption off the licensed premises only to bona fide members of the Club and their guests, under the SDM license.
4. The licensee shall provide documentary proof to the Commission to demonstrate that, at a minimum, supervisory personnel on each shift and

during all hours in which alcoholic liquor is served have successfully completed a server training program approved by the Commission as required under MCL 436.1501(1), within 180 days from the issuance of the licenses and permits, as provided in administrative rule R 436.1060.

- a. The licensee shall maintain active certification of completion for server training on the licensed premises at all times as provided in administrative rule R 436.1060.
  - b. Failure to provide this documentary proof to the Commission within 180 days of the issuance of the licenses and permits shall result in the licensee being charged with failure to comply with this order, under administrative rule R 436.1029, which may result in fines, suspension and/or revocation of the licenses and permits.
5. Under administrative rule R 436.1003, the licensee must comply with all state and local building, plumbing, zoning, sanitation, and health laws, rules, and ordinances as determined by the state and local law enforcements officials who have jurisdiction over the licensee. Approval of these licenses and permits by the Michigan Liquor Control Commission does not waive any of these requirements.
6. Failure to comply with all requirements of licensure in the State of Michigan will result in the licensee being charged with a violation of the Michigan Liquor Control Code, MLCC Administrative Rules, and Commission order, which may result in fines, suspension, and/or revocation of the licenses and permits.

MICHIGAN LIQUOR CONTROL COMMISSION

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Andrew J. Deloney, Chairman

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Donald B. Weatherspoon, Commissioner

By its action of February 16, 2012.

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Prepared by:  
Terri Chase, Commission Aide